

CR No. 7560 of 2025 (O&M)

2025:PHHC:148103



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(128)

CR No. 7560 of 2025 (O&M)

Date of Decision : 29.10.2025

Rajesh and others

...Petitioners

Versus

Daya Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Sourabh Sheoran, Advocate for the petitioners.

Amarinder Singh Grewal, J. (Oral)

The present Civil Revision Petition has been filed by the petitioners-defendants under Article 227 of the Constitution of India for setting-aside the order dated 07.07.2025 (Annexure P-6) passed by learned Additional Civil Judge (Sr. Divn.) in Civil Suit No. 1246 of 2022, instituted on 29.11.2022, whereby the defence of petitioners-defendants whereby the defence of the petitioners-defendants was struck off due to non-filing of the written statement.

2. Briefly, the facts are that the respondent-plaintiff instituted a suit for permanent injunction, restraining the petitioners/defendants from interfering with his peaceful possession over the suit property. On 14.12.2022, the petitioners/defendants appeared before the learned Trial Court for the first time. Thereafter, on 01.02.2024 none appeared on behalf of the respondent-plaintiff and the suit was dismissed in default. On 21.02.2024 the respondent-plaintiff filed an application for restoration of the



civil suit and the said civil suit was ordered to be restored on 18.07.2024 and was adjourned to 22.10.2024 for filing the written statement. Vide order dated 07.07.2025, the learned Trial Court struck off the defence of the petitioners-defendants on the ground of non-filing of the written statement within the stipulated period of 90 days.

3. Learned counsel for the petitioners submits that though, petitioners had taken three effective opportunities for filing the written statement but they failed to do so. Further prayer is made that one opportunity be given to the petitioners-defendants to file the written statement.

4. I have heard learned counsel for the petitioners and perused the paper book.

5. In view of the nature of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondent.

6. Having considered the submissions and perused the record, this Court is of the opinion that the learned Trial Court has adopted an overly strict approach in striking off the defence of the petitioners.

7. Accordingly, the present petition is allowed. The impugned order dated 07.07.2025 (*Annexure P-6*) passed by the learned Addl. Civil Judge (Sr. Divn.), Charkhi Dadri, is hereby set aside, subject to payment of costs of Rs.10,000/- to be deposited by the petitioners collectively within ten days in District Legal Services Authorities concerned.



8. The petitioners-defendants shall appear before the learned trial Court on the date fixed and on their production of receipt qua deposition of costs, the trial Court shall grant one effective opportunity to the petitioners-defendants for filing of written statement.

9. The Registry is directed to forward a copy of this order to learned Addl. Civil Judge (Sr. Divn.), Charkhi Dadri, for compliance.

10. All pending application(s), if any, stand disposed of accordingly.

October 29, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No